

**REVISIONS:**

**Item 28-Pulled per Law Department  
Item 31-Recommended Action.**

**FINAL**  
**CITY COUNCIL**  
  
**CITY OF WICHITA**  
**KANSAS**

City Council Meeting  
9:00 A.M., August 15, 2006

City Council Chambers  
455 North Main

**ORDER OF BUSINESS**

- Call to Order
- Invocation
- Pledge of Allegiance
- Approve the minutes of the August 8, 2006 regular meeting

---

**AWARDS AND PROCLAMATIONS**

- **Proclamations:**
  - \* Project Redirectory Month
  - \* Dane Saksa Day

---

**PUBLIC AGENDA**

1. **Frank Chappell-Future treatment of City Councils and citizens by this Council.**
2. **Kevass Harding-Minority owned business at the Wichita Mid-Continent Airport.**
3. **Micale Habtemarian-Sarah's Ice Cream & Cookies concession at the Wichita Mid-Continent Airport.**
4. **Charles Maxey-Sarah's Ice Cream & Cookies at Wichita Mid-Continent Airport.**
5. **Steve Habtemarian-Sarah's Ice Cream & Cookies at Wichita Mid-Continent Airport.**
6. **Junius B. Dotson-Sarah's Ice Cream & Cookies at the Wichita Mid-Continent Airport.**

---

CONSENT AGENDA

7. Report of the Board of Bids and Contracts Dated August 14, 2006.

RECOMMENDED ACTION: Receive and file report; approve Contracts;  
authorize necessary signatures.

8. Application for License.

Renewal:

Marvin Gehrke	MG Management	535 South St. Francis
---------------	---------------	-----------------------

RECOMMENDED ACTION: Approve license subject to Staff review and  
approval.

9. Applications for Licenses to Retail Cereal Malt Beverages:

<u>New Operator</u>	<u>2006</u>	<u>(Consumption on Premises)</u>
---------------------	-------------	----------------------------------

Nilson A. Chamaqua	El Bahia*	2855 South Hydraulic
Cang Q. Phu	Pho Hot LLC*	2409 East Pawnee

<u>New Operator</u>	<u>2006</u>	<u>(Consumption off Premises)</u>
---------------------	-------------	-----------------------------------

Mohssen Zare-Maivan	Zare Jumpstart	3805 West 21 <sup>st</sup> Street
---------------------	----------------	-----------------------------------

<u>Special Event</u>	<u>August 26-27, 2006</u>
----------------------	---------------------------

Ted McMullen	Wichita Flight Festival	3512 North Webb
--------------	-------------------------	-----------------

\*General/Restaurant - 50% or more of gross receipts derived from sale of food.

RECOMMENDED ACTION: Approve licenses subject to Staff review and  
approval.

10. Preliminary Estimates:

- a) Hillside from Kellogg to Central (87N-0226-01/472-83862/706867/204333) Traffic to be maintained during construction using flagpersons and barricades. (District I) - \$6,140,000.
- b) Main 4 Northwest Interceptor Sewer - along 135th Street West from Central to 21st. (468-83889/744149/480837) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$6,000,000.
- c) Water Line Improvements - 13th Street North and 135th Street West 135th Street West from 13th to 21st, and 13th Street North from Firefly to 135th Street West (448-90100/635665/765718) Traffic to be maintained during construction using flagpersons and barricades. (District V) - \$225,000.

(Item 10 continued)

- d) 2006 Contract Maintenance Asphalt Mill & Overlay Phase 3- south of 13th Street North, east of Meridian (472-84433/132719/620447/133116/) Traffic to be maintained during construction using flagpersons and barricades. (District I, II, IV) - \$587,600.
- e) City Hall Parking Lot Concrete Repairs - south of Central, west of Main (472-84432/792463/435411) Does not affect existing traffic. (District VI) - \$160,350.
- f) Lateral 4, Main 11 Four Mile Creek Sewer to serve Fairmont Addition north of 21st Street North, west of 127th Street East (468-84052/744190/480878) Does not affect existing traffic. (District II) - \$116,000.
- g) Paddock Green Circle from 97 feet south of the north line of Lot 5, Block 1, to and including the cul-de-sacs serving Lots 6 through 29, Block 1 to serve Brighton Courts Addition south of 21st Street North, west of Webb (472-83817/765997/490114) Does not affect existing traffic. (District II) - \$226,200.
- h) Cost of construction of Storm Water Drain #278 to serve Auburn Hills 16th Addition - south of Maple, east of 151st Street West. (District V) (468-84092/751418/485-309) – Total Estimated Cost \$700,000.

RECOMMENDED ACTION: Receive and file.

11. Petitions for Public Improvements:

- a) Construct an Acceleration/Deceleration Lane on the south side of 21<sup>st</sup> Street, west of Greenwich to serve Oak Creek Addition. (District II)
- b) Construct a Sanitary Sewer Main to serve an area north of 21<sup>st</sup> Street, west of 159<sup>th</sup> Street East. (District II)

RECOMMENDED ACTION: Approve Petitions; adopt Resolutions.

12. Minutes of Advisory Boards/Commissions:

Wichita Employee's Retirement Board, April 26, 2006  
Wichita Employee's Retirement Board, May 17, 2006  
District VI Advisory Board, June 5, 2006  
District III Advisory Board, June 7, 2006  
District IV Advisory Board, June 7, 2006  
Board of Park Commissioners, June 12, 2006  
Board of Electrical Appeals, June 13, 2006  
District IV Advisory Board, July 5, 2006  
Wichita Public Library, July 18, 2006

RECOMMENDED ACTION: Receive and file.

13. Consideration of Street Closures/Uses.

RECOMMENDED ACTION: Approve the street closures.

14. Agreements/Contracts:

- a) Construction Engineering and Staking in Auburn Hills 16<sup>th</sup> Addition, south of Maple, east of 151<sup>st</sup> Street West. (District V)-supplemental.
- b) Construction Engineering and Staking in Emerald Bay Estates Addition, west of West Street, north of 21<sup>st</sup> Street. (District V)-supplemental.

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

15. Design Services Agreements:

- a) Copper Gate North Addition, north of 13<sup>th</sup> Street, west of 135<sup>th</sup> Street West. (District V)
- b) Fox Ridge Addition, north of 29<sup>th</sup> Street North, east of Maize. (District V)
- c) Auburn Hills 16<sup>th</sup> Addition, south of Maple, east of 151<sup>st</sup> Street West. (District V)
- d) Merton, east of Seneca. (District IV)
- e) Cross Pointe Addition, south of 21<sup>st</sup> Street, east of Greenwich. (District II)
- f) Legacy Park Wilson Estates Third Addition, south of 21<sup>st</sup> Street, west of Webb. (District II)
- g) Hawthorne Third Addition, south of 21<sup>st</sup> Street, east of 127<sup>th</sup> Street East. (District II)
- h) Rainbow Lakes West Addition, south of Central, east of 135<sup>th</sup> Street West. (District V)

RECOMMENDED ACTION: Approve Agreements/Contracts; authorize necessary signatures.

16. Property Acquisition:

- a) Acquisition of a Permanent Easement for the Aquifer Storage and Recovery Project, (Northwest Sedgwick County)

RECOMMENDED ACTION: Approve budgets and Contracts; authorize the necessary signatures.

17. Amendment of Letter of Intent, Lee Aerospace, Inc. (District II)

RECOMMENDED ACTION: Approve the amendment of the Letter of Intent to change the name from lee Aerospace, Inc. to Lee Real Estate, LLC and authorize the necessary signatures.

18. Sanitary Sewer Main to serve an area along MacArthur, between ½ mile east of West Street and the Wichita-Valley Center Flood Control Ditch. (District IV)

RECOMMENDED ACTION: Approve the project; adopt the authorizing resolution; adopt the resolution authorizing bonds; approve the notice of intent to issue revenue bonds and authorize the necessary signatures.

19. Revised Resolution: Sanitary Sewer Main to serve an area generally bounded by the Wichita-Valley Center Flood Control Ditch, the Kansas Southwestern Railroad Tracks and 25<sup>th</sup> Street. (District V)

RECOMMENDED ACTION: Adopt the revised resolution and authorize the necessary signatures.

20. 2007 Victims of Crime Act (VOCA) Grant.

RECOMMENDED ACTION: Approve the grant application; authorize the necessary signatures and approve any necessary budget transfers.

21. Landfill Gas System Relocating for Phase II of C&D Filling. (District VI)

RECOMMENDED ACTION: Approve the project to relocate a portion of the landfill gas collection system at the Brooks Landfill to allow for Phase II C&D filling operations and authorize the necessary signatures.

22. Wichita Employee's Retirement and Police & Fire Retirement Systems' 2005 Comprehensive Annual Financial Report.

RECOMMENDED ACTION: Receive and file the Wichita Retirement Systems' Comprehensive Annual Financial Report for the fiscal year ended December 31, 2005.

23. Fidelity Bank Resolution.

RECOMMENDED ACTION: Adopt the resolution updating the list of individuals authorized to execute transactions with Fidelity Bank and authorize the necessary signatures.

24. Safe Routes to School Federal Funding Application.

RECOMMENDED ACTION: Adopt the resolution for application to the Safe Routes to School Program and authorize the necessary signatures.

25. Safe Routes to School Application Resolution, Regional Education Plan/Programs, Wichita Area Metropolitan Planning Organization.

RECOMMENDED ACTION: Adopt the resolution for application to the Safe Routes to School program and authorize the necessary signatures.

26. Abatement of Dangerous and Unsafe Structures. (Districts I, III, IV & V)

RECOMMENDED ACTION: Approve the proposed assessments and place the ordinance on first reading.

27. Second Reading Ordinances: (First read August 8, 2006)

a) Sidewalk Repair Assessment Program.

An Ordinance making a special assessment to pay for the improvement of and providing a tax levy for the cost of construction of sidewalks in the City of Wichita, Kansas.

b) Pawnee Improvement between Meridian and Seneca. (District IV)

An Ordinance declaring Pawnee between Meridian and Seneca (472-84356) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of same.

c) Establishment of a Redevelopment District, Tax Increment Financing for the Douglas and Hillside Redevelopment Project. (District II)

An Ordinance of the City of Wichita establishing the Douglas & Hillside Redevelopment District.

d) 37th St. North Improvement between Tyler and Ridge. (District V)

An Ordinance amending Ordinance no. 46-558 of the City of Wichita, Kansas declaring 37th St. North, between Tyler and Ridge (472-84186) to be a main trafficway within the City of Wichita, Kansas; declaring the necessity of and authorizing certain improvements to said main trafficway; and setting forth the nature of said improvements, the estimated costs thereof, and the manner of payment of the same.

RECOMMENDED ACTION: Adopt Ordinances.

---

UNFINISHED BUSINESS

(Item 28)

28. *Amendment to City Code Section 2.36.010 pertaining to the composition of the Wichita Fireman's Relief Association.*

*(Continued from August 8, 2006)*

*(PULLED PER LAW DEPARTMENT)*

---

NEW BUSINESS

29. 2007 Annual Operating Budget and Revisions to the 2006 Budget.

The 2007/2008 Proposed Budget has been presented to the City Council, including presentations at workshops and at District Advisory Board (DAB) meetings.

RECOMMENDED ACTION: Close the public hearing and 1) approve the 2007 Budgets (with the changes reflected in attachment A) and adopt the necessary budget ordinances, including those for the tax increment financing (TIF) districts and the self-supporting municipal improvement District (SSMID); 2) approve amending the 2006 Budget for the Economic Development, Special Alcohol Programs, Ice Rink Management, Water Utility and Sewer Utility funds; 3) approve the joint agreements with Sedgwick County; 4) approve the proposed new schedule of rates and charges for Water Service and place the ordinance on first reading; 5) approve the proposed new schedule of rates for users of the Sanitary Sewer system and place the ordinance on first reading; 6) approve the Golf green fee increases; and 7) approve the use of local funds derived from property within the corporate limits for the Wichita State University Board of Trustees (Interlocal Agreement between the City and County).

30. Quarterly Financial Report for the Quarter Ending June 30, 2006.

The Finance Department prepares quarterly unaudited financial reports to monitor and review the financial activities of the operating and capital funds.

RECOMMENDED ACTION: Receive and file the Quarterly Financial Report for the quarter ended June 30, 2006.

**(Item 31)**

**31. Request for Resolution of Support for Application for Low-Income Housing Tax Credits; Mullen Court Apartments. (District VI)**

The City has received a request from Transitional Residence Company, LLC (TRC), for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the acquisition and renovation of the Mercer Apartments.

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the Low-Income Housing Tax Credit Application, subject to all local building and zoning codes, ordinances and any additional design review requirements and ***agreements reached between the developer and the neighborhood*** and authorize the necessary signatures.

**32. Request for Resolution of Support for Application for Low-Income Housing Tax Credits; Richmond Place Apartments. (District VI)**

The City has received a request from Kansas Elks Training Center for the Handicapped (KETCH) and Mark Cox, a local builder/developer, for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the development of rental housing on a tract of land located on the south side of 10<sup>th</sup> Street North, just west of Richmond, in order to develop a 20-unit housing project that will serve persons with developmental disabilities.

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the application for Low-Income Housing Tax Credits, with waiver of the 20% market-rate unit requirement, subject to all local building and zoning codes, ordinances and any additional design review requirements and authorize the necessary signatures.

**33. Request for Resolution of Support for Application for Low-Income Housing Tax Credits; Madison Family Residences. (District I)**

The City has received a request from Barry Community Development (BCD) and Mennonite Housing Rehabilitation Services, Inc. (MHRS) for a City Council resolution of support for its application for Low-Income Housing Tax Credits in connection with the acquisition of property located on the east and west sides of Madison Street, between 9<sup>th</sup> and 10<sup>th</sup> Streets and the construction of a multi-family housing project.

RECOMMENDED ACTION: Close the public hearing; adopt the resolution of support for the application for Low-Income Housing Tax Credits with waiver of the 20% market-rate unit requirement, subject to all local building and zoning codes, ordinances and any additional design review requirements and authorize the necessary signatures.



34. Petition to pave Alta, from approximately 325<sup>th</sup> west of Ellis to Hydraulic. (District III)

The signatures on the Petition represent 26 of 54 (48.1%) resident owners and 50.5% of the improvement district area. District III Advisory Board sponsored a June 7, 2006, neighborhood hearing on the project.

RECOMMENDED ACTION: Approve the petition; adopt the resolution and authorize the necessary signatures.

35. Petition to construct a Water Distribution System to serve an area along Mead Street, between 55<sup>th</sup> Street South and 57<sup>th</sup> Street South. (District III)

The signatures on the Petition represent 16 of 34 (47%) resident owners and 57% of the improvement district area. District III Advisory Board sponsored a July 19, 2006, neighborhood hearing on the project. The Board voted 11-0 to recommend approval of the project.

RECOMMENDED ACTION: Approve the petition; adopt the resolution and authorize the necessary signatures.

---

PLANNING AGENDA

NOTICE: Public hearing on planning items is conducted by the MAPC under provisions of State law. Adopted policy is that additional hearing on zoning applications will not be conducted by the City Council unless a statement alleging (1) unfair hearing before the MAPC, or (2) alleging new facts or evidence has been filed with the City Clerk by 5p.m. on the Wednesday preceding this meeting. The Council will determine from the written statement whether to return the matter to the MAPC for rehearing.

\* Consent Items

36. \*A06-17R-Request by Captain Joe Dessenberger of Wichita Police Department to annex land generally located northeast of the intersection 327<sup>th</sup> Street West and 111<sup>th</sup> Street South. (District IV)

RECOMMENDED ACTION: Approve the annexation request; place the ordinance on first reading and authorize the necessary signatures.

37. \*CUP2006-29-Associated with ZON2006-26-Amendment #2 of DP-28 Broadway 47 Plaza Community Unit Plan (CUP); zone change from Limited Commercial to General Commercial on a portion of the CUP. Generally located at the southwest corner of 47<sup>th</sup> Street South and Broadway Avenue. (District IV)

RECOMMENDED ACTION: 1) Adopt the findings of the MAPC and approve the zone change subject to platting within one year and approve the CUP; instruct the Planning Department to forward the ordinance for first reading when the plat is forwarded to City Council; or  
2) Return the application to the MAPC for reconsideration.

38. \*VAC2006-00013-Request to vacate a portion of platted street and alley right-of-ways, generally located southeast of the 9<sup>th</sup> Street North and Market Street intersection. (District VI)

RECOMMENDED ACTION: Approve the Vacation Order and authorize the necessary signatures.

39. \*DED2006-17-Dedication of Street Right-of-Way, located west of Ridge Road and south of Kellogg. (District V)

RECOMMENDED ACTION: Accept the Dedication.

40. \*DED2006-18-Dedication of a Utility Easement, DED2006-19-Dedication of Access Control and DED 2006-20-Dedication of Street Right-of-Way, located south of MacArthur Road and west of Hydraulic. (District III)

RECOMMENDED ACTION: Accept the Dedications.

41. \*DED2006-21-Dedication of a Utility Easement and DED2006-22-Dedication of Access Control, located on the north side of Pawnee and east of Oliver. (District III)

RECOMMENDED ACTION: Accept the Dedications.

---

#### AIRPORT AGENDA

NOTICE: The City Council is meeting as the governing body of the Airport for consideration and action on items on this Agenda, pursuant to State law and City ordinance. The meeting of the Authority is deemed called to order at the start of this Agenda and adjourned at the conclusion.  
\*Consent items

42. \*AON Service Corporation (ASC), Supplemental Agreement No. 1.

RECOMMENDED ACTION: Approve the Supplemental Agreement and authorize the necessary signatures.

43. \*Agreement-Cessna Aircraft Company.

RECOMMENDED ACTION: Approve the agreement and authorize the necessary signatures.

44. \*Sublease Agreement between Midwest Corporate Aviation, Inc. and Quasar Aviation Corporation-Colonel James Jabara Airport.

RECOMMENDED ACTION: Approve the sublease agreement and authorize the necessary signatures.

45. \*RAGE Inc.-Assignment.

RECOMMENDED ACTION: Approve the Assignment from RAGE of one-half of its leasehold interests to Devlin Management, Inc. and authorize the necessary signatures.

---

CITY COUNCIL

46. Board Appointments.

RECOMMENDED ACTION: Make the appointments.

Adjournment

\*\*\*Workshop to follow\*\*\*